

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 RICHARD WESLEY BRYAN,

9 Plaintiff,

10 v.

11 BERNARD WARNER, et al.,

12 Defendants.

CASE NO. C15-5147 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

13 This matter comes before the Court on the Report and Recommendation (“R&R”)
14 of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 6), and
15 Plaintiff Richard Bryan’s (“Bryan”) objections to the R&R (Dkt. 7).

16 On March 12, 2015, Bryan filed a 42 U.S.C. § 1983 suit against Defendants
17 Bernard Warner, Patrick Glebe, Eric Jackson, Mitchell Bolden, David Davis, Sheri Izatt,
18 Johanson, and Carey Tucker. Dkt. 1. Bryan alleges that he did not receive proper due
19 process at a disciplinary hearing that resulted in the loss of extended family visit
20 privileges and good time credits. *Id.* at 4–5, 7.

21 On March 16, 2015, Judge Creatura issued the R&R recommending that the Court
22 dismiss Bryan’s complaint without leave to amend. Dkt. 6. Judge Creatura concluded

1 that Bryan has no liberty interest in extended family visits. *Id.* at 4. Judge Creatura also
2 determined that Bryan cannot challenge a disciplinary hearing where he lost good time
3 credits in a section 1983 action unless the infraction and sanction are reversed or
4 expunged. *Id.* at 5–6.

5 On April 6, 2015, Bryan filed objections to the R&R. Dkt. 7. Bryan contends that
6 Judge Creatura misapplied the facts and law in this case. *Id.* at 2, 9. The Court disagrees.
7 Judge Creatura properly addressed the applicable law and the defects in Bryan’s
8 complaint. *See* Dkt. 6 at 4–6. Therefore, the Court having considered the R&R, Bryan’s
9 objections, and the remaining record, does hereby find and order as follows:

- 10 (1) The R&R is **ADOPTED**; and
11 (2) This action is **DISMISSED**.
12 (3) Bryan’s *in forma pauperis* status is **REVOKED** for purposes of appeal.

13 Dated this 19th day of May, 2015.

14
15 

16 BENJAMIN H. SETTLE
17 United States District Judge
18
19
20
21
22